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9 Attorneys for Plaintiff
GOPRO, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

13 | GOPRO, INC.,

Case No. 19-1004

14 Plaintiff,

COMPLAINT FOR TRADEMARK INFRINGEMENT, DILUTION, UNFAIR COMPETITION, AND FALSE ADVERTISING

16 ALLIED SUNNY LTD.; F.E.N.S. KIDDY
17 TRENDS B.V.; PRO-MOUNTS
INTERNATIONAL B.V.; and MIKE REED.

18 || Defendants.

Plaintiff GoPro, Inc. (“Plaintiff” or “GoPro”) alleges, upon personal knowledge with respect to itself and its own acts, and upon information and belief as to all other matters, as follows:

PARTIES

24 1. GoPro is a Delaware corporation with its principal place of business at 3000
25 Clearview Way, San Mateo, California.

26 2. Defendant Allied Sunny Ltd. is a Hong Kong corporation with its principal place of
27 business at 148 Connaught Road, 22nd Floor, Office A, Guangdong Investment Tower, Hong
28 Kong.

3. Defendant F.E.N.S. Kiddy Trends B.V. is a Dutch corporation with its principal place of business at Kikkertweg 16, 1521 RG Wormerveer, Netherlands.

4. Defendant PRO-mounts International B.V. is a Dutch corporation with its principal place of business at Kikkertweg 16, 1521 RG Wormerveer, Netherlands.

5. Defendant Mike Reed is the sole director and sole shareholder of Allied Sunny Ltd., F.E.N.S. Kiddy Trends B.V., and PRO-mounts International B.V., and a resident of the Netherlands. Mr. Reed—who was a GoPro reseller—individually developed the PRO-MOUNTS trademark with the intent to trade upon GoPro’s goodwill. He is the active and moving conscious force behind Defendants’ infringing conduct described in this complaint. (Defendants Allied Sunny Ltd, F.E.N.S. Kiddy Trends B.V., PRO-mounts International B.V., and Mike Reed shall be referred to collectively herein as “Allied Sunny” or “Defendants”).

6. At all times herein mentioned, each defendant was the agent, employee, partner, joint venturer, aider and abetter, alter ego, and co-conspirator of or with each of the remaining defendants, and in doing the things hereinafter alleged, was acting within the course and scope of such agency, employment, partnership, joint venture, and conspiracy, and each defendant ratified and approved the acts of the remaining defendants.

JURISDICTION AND VENUE

7. This Court has jurisdiction because (i) this action arises under the Trademark Act of 1946, as amended, 15 U.S.C. §§ 1051 et seq. (the “Lanham Act”), and jurisdiction is specifically conferred by 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338(a) and (b), and (ii) this is an action between citizens of different states in which the value of the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs, jurisdiction being conferred in accordance with 28 U.S.C. § 1332. Jurisdiction for the California state statutory and common law claims is conferred in accordance with the principles of supplemental jurisdiction pursuant to 28 U.S.C. § 1337(a).

8. Defendants, either directly or through their agents, transacted business in the State of California and within this judicial district, including offering goods for sale, attending trade shows promoting the marks at issue in this litigation, and meeting with a representative for GoPro,

1 and expected or should reasonably have expected their acts to have consequence in the United
2 States, the State of California, and within this judicial district.

3 9. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) in that Defendants are
4 doing business in this judicial district and therefore may be found in this district, and/or a
5 substantial part of the events or omissions giving rise to the claims occurred in this judicial
6 district, and/or the infringement occurred in this judicial district. Venue is also proper under 28
7 U.S.C. § 1391(c) as Plaintiff resides in and is subject to jurisdiction in this district.

Intradistrict Assignment

9 10. Pursuant to Civil L.R. 3-5, this is an intellectual property matter that is assigned on
10 a district-wide basis.

FACTUAL BACKGROUND

GoPro and Its Famous GoPro Marks

13 11. GoPro is an award-winning producer of cameras, accessories, and technology that
14 helps the world celebrate and share itself in immersive and exciting ways. GoPro's branded
15 content is shared and enjoyed by millions of people online via the www.gopro.com website.
16 GoPro sells its cameras, accessories, and related products—including mounts—through more than
17 25,000 stores in over 100 countries worldwide and direct via its website. Since at least 2004,
18 GoPro has prominently used the GOPRO mark in connection with its sale of cameras, accessories,
19 and related products. In the last three years alone, GoPro's revenues have exceeded \$4 billion.

12. GoPro is the owner of numerous U.S. trademark registrations consisting of and
including the GOPRO mark (collectively, the “GoPro Marks”), including the following:

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
GOPRO	3,032,989	(Int'l Class 9) Photographic equipment, namely film cameras and digital cameras, cases and housings for cameras and camera straps	February 17, 2004	December 20, 2005
GOPRO	5,008,425	(Int'l Class 9) Photographic equipment, namely cameras, digital cameras, video cameras; portable handheld electronic devices for recording, storage, transmission or reproduction of	August 26, 2013	July 26, 2016

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		<p>photographic, video and multimedia content; cases, housings, and accessories for cameras, namely, batteries, lenses, digital photo viewers, wireless adapters, power adapters, adapter rings for attaching objects to cameras, remote controls, microphones, SD cards, photographic flash units, mounting devices for photographic equipment, tripods and camera straps; cases and bags for photographic apparatus; computer software for use in connection with photographic and video equipment and cameras; desktop and mobile photo and video editing software; computer software and software applications for use in uploading, downloading, editing, storing, distributing and sharing photographic and video content via global and local computer networks and via mobile devices; downloadable user generated photos and videos in the field of general interest.</p> <p>(Int'l Class 38) Video broadcasting; streaming of video material on the internet; broadcasting or audio and video content and programming over the internet; electronic delivery of images and photographs via a global computer network and via mobile electronic devices; electronic transmission and streaming of digital media content for others via global and local computer networks and via mobile electronic devices; streaming user generated photographic and video content via a website on the internet and via mobile electronic devices.</p> <p>(Int'l Class 41) Photographic and video services, namely, photographic and video capture; rental of photographic equipment.</p>		

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		<p>namely cameras, digital cameras, video cameras, camera cases, housings, and accessories for cameras, namely, batteries, lenses, digital photo viewers, wireless adapters, power adapters, adapter rings for attaching objects to cameras, remote controls, microphones, SD cards, photographic flash units, mounting devices for photographic equipment, tripods and camera straps; education; providing training, education, instruction, tips and advice in the field of photography and videography; providing photographic and video content on a website on the internet and via mobile devices for educational and entertainment purposes; entertainment; sporting and cultural activities; entertainment services, namely, providing a website featuring photographic, audio, video and multimedia presentations; provision of audio and video in the nature of digital images and videos; provision of downloadable multimedia files containing audio and video content; hosting and providing a database/ library in the field of photography and videography; providing photographic and video content for the creation of television programs, television commercials, motion pictures and films; providing online journals, namely blogs, for sharing thoughts, ideas, experiences, comments, tips, techniques, and advice in the field of photography and videography; providing conferences, trade shows, seminars, workshops and tutorials in the field of photography and videography.</p> <p>(Int'l Class 42) Providing a web hosting platform for uploading, downloading, stmi.ng,</p>		

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		distributing, editing and sharing photographic, video and multimedia content; providing temporary use of online non-downloadable software for use in uploading, downloading, storing, distributing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; providing temporary use of on-line non-cloud computing software for use in uploading, downloading, storing, distributing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos and videos; providing a web site featuring temporary use of non-down loadable software allowing web site users to upload on-line videos for sharing with others for entertainment purposes; providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs; computer services, namely, providing search platforms to allow users to locate, access, copy, transmit, edit, and share photographic, video and multimedia content.		
GOPRO	5,187,830	(Int'l Class 9) spherical photo and video capture cameras; cameras for producing 360 views; panoramic cameras; central array boards and related hardware and software for spherical photo and video capture cameras; software tools and applications to support spherical video content; computer software for taking, capturing, managing, processing, operating, viewing, storing, editing, arranging, combining, sharing, manipulating, modifying,	February 12, 2016	April 18, 2017

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		commenting on, transmitting and displaying spherical and panoramic photo and video content; power solutions for spherical photo and video capture cameras, including batteries, wireless adaptors, power adaptors, and chargers; custom camera hardware solutions; custom integrated platform solutions; selfie sticks, namely, hand-held monopods; camera fixing bands, namely, head bands, straps, shoulder bands, and chest bands; mounting brackets for cameras; bases for cameras; clamps for cameras; floats for cameras; floatable hand grips for cameras; storage bags for cameras; waterproof and non-waterproof protective cases for cameras; protective lens covers for cameras; protective films adapted for camera screens; windshields made of plastic; filters for photographic equipment; wires and cables for camera electricity mains; wall chargers; car-mounted chargers		
GOPRO	5,214,644	(Int'l Class 9) Camera accessories, namely, mounts, smart mounts, straps, rigs, holders, harnesses, brackets; related equipment for holding, mounting, positioning and maneuvering cameras, namely, stabilizers and harnesses (Int'l Class 12) Unmanned aerial vehicles (UAVs), remote controlled UAVs, aircraft, helicopters, quad copters and drones, and related structural components, namely, the body, arms, routers, motors, propellers, landing struts, stabilizers, and vibration isolators; robotic transport vehicles, and related structural components namely, the body, arms, routers, motors, propellers, landing struts, stabilizers, vibration isolators	September 3, 2015	May 30, 2017

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		(Int'l Class 28) Remote control and computer controlled flying devices for recreational use, namely, airplanes, helicopters, quad copters, and drones		
GOPRO (& design) 	5,375,510	(Int'l Class 9) Photographic equipment, namely, cameras, digital cameras, video cameras; portable handheld electronic devices for recording, storage, transmission or reproduction of photographic, video and multimedia content; cases, housings, and accessories for cameras, namely, batteries, lenses, digital photo viewers, wireless adapters, power adapters, adapter rings for attaching objects to cameras, remote controls, microphones, SD cards, photographic flash units, mounting devices for photographic equipment, tripods and camera straps; cases and bags for photographic apparatus; computer software for use in connection with photographic and video equipment and cameras, namely, software for taking, capturing, managing, processing, operating, viewing, storing, editing, arranging, combining, sharing, manipulating, modifying, commenting on, transmitting and displaying data, images, videos, multimedia files, and other digital data; desktop and mobile photo and video editing software; computer software and software applications for use in uploading, downloading, editing, storing, distributing and sharing photographic and video content via global and local computer networks and via mobile devices; downloadable multimedia files containing digital audio and video files featuring user generated images, videos, multimedia files, and other digital data (Int'l Class 38) Video broadcasting; streaming of video	June 28, 2013	January 9, 2018

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		<p>material on the internet; broadcasting of audio and video content and programming over the internet; electronic delivery of images and photographs via a global computer network and via mobile electronic devices; electronic transmission and streaming of digital media content for others via global and local computer networks and via mobile electronic devices; streaming user generated photographic and video content via a website on the internet and via mobile electronic devices</p> <p>(Int'l Class 41) Photographic and video services, namely, photographic and video capture; rental of photographic equipment, namely, cameras, digital cameras, video cameras, camera cases, housings, and accessories for cameras, namely, batteries, lenses, digital photo viewers, wireless adapters, power adapters, adapter rings for attaching objects to cameras, remote controls, microphones, SD cards, photographic flash units, mounting devices for photographic equipment, tripods and camera straps; providing non-downloadable online audio, audiovisual, multimedia, picture and video content, for educational purposes in the field of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; providing educational services, namely, conducting classes in the fields of photography, videography.</p>		

1 Trademark	2 Reg. No.	3 Full Goods Description	4 Filing Date	5 Reg. Date
6	7	8 computer hardware and software 9 applications; providing training, 10 instruction, instructional tips and 11 advice in the field of 12 photography, videography; 13 providing content retrievable via 14 the internet, namely, online 15 nondownloadable photos and 16 video content for educational and 17 entertainment purposes in the 18 fields of media, news, politics, 19 education, entertainment, sports, 20 culture, comedy, business, 21 healthy living and lifestyle, 22 wellness, fashion, personal 23 beauty, current events, 24 environmental conservation and 25 sustainability issues, food, 26 finance, technology, travel, 27 books, fine arts, music, art, 28 science, literature, leisure, gaming, religion, performing arts and philanthropy; providing online audio, audiovisual, multimedia, picture and video content for entertainment and educational purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy, via a wireless network; providing electronic entertainment content, namely, providing online non- downloadable educational audio, audiovisual, multimedia and video content in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food,	9	10

1 Trademark	2 Reg. No.	3 Full Goods Description	4 Filing Date	5 Reg. Date
6	7	8 finance, technology, travel, 9 books, fine arts, music, art, 10 science, literature, leisure, 11 gaming, religion, performing arts 12 and philanthropy, and providing a 13 web site featuring non- 14 downloadable photographs and 15 videos featuring images, videos, 16 multimedia files, and other digital 17 data for educational and 18 entertainment purposes in the 19 fields of media, news, politics, 20 education, entertainment, sports, 21 culture, comedy, business, 22 healthy living and lifestyle, 23 wellness, fashion, personal 24 beauty, current events, 25 environmental conservation and 26 sustainability issues, food, 27 finance, technology, travel, 28 books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; organizing community sporting and cultural events, and organizing regional, state-wide and national sporting events, namely, cycling, motocross, mountain biking, motorcycle and car racing, soccer, skateboard, skating, skiing, ski jumping, snowboarding, hang gliding, skydiving, surfing, diving, swimming, rafting, kayaking, rock climbing, running, track and field and extreme sports exhibitions and competitions; entertainment services, namely, providing a website featuring non-downloadable photographic, audio, video and multimedia presentations in the fields of technology, travel, entertainment news, sports, fitness, recreational activities, current events news, special interest features in the fields of nature, people in entertainment, art, pop culture, adventure sports, music and photography; providing a website featuring non-downloadable audio and video content for entertainment and educational	9	10

1 Trademark	2 Reg. No.	3 Full Goods Description	4 Filing Date	5 Reg. Date
6	7	8 <p>purposes in the fields of technology, travel, entertainment, sports, fitness, recreational activities, news, special interest features in the field of science, nature, entertainment, art, pop culture, adventure sports, music and photography; providing an online searchable database in the fields of photography and videography for educational and entertainment purposes featuring instructional information, images, videos, multimedia files, and other digital data in the fields of photography and videography for subject matter related to technology, travel, entertainment, sports, fitness, recreation, news, special interest features in the fields of science, nature, people, art, pop culture, adventure sports, music and photography; on-line library services, namely, providing electronic library services which feature photographs and videos via an on-line computer network; photography and videography services, namely, providing photographic and video content for third parties to use in the creation of television programs, television commercials, motion pictures and films; providing online journals, namely, blogs, for sharing thoughts, ideas, experiences, comments, tips, techniques, and advice in the field of photography and videography; providing conferences, seminars, workshops and tutorials in the field of photography and videography for entertainment and educational purposes</p> <p>(Int'l Class 42) Providing a web hosting platform for uploading, downloading, storing, managing, distributing, editing and sharing photographic, video and multimedia content of third parties; providing temporary use</p>	9	10

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		of online non-downloadable software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Providing temporary use of on-line non-downloadable cloud computing software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos and videos; Providing a web site featuring temporary use of non-downloadable software allowing web site users to upload on-line videos for sharing with others for entertainment purposes; Providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs; Computer services, namely, providing search platforms to allow users to locate, access, copy, transmit, edit, and share photographic, video and multimedia content; file sharing services, namely, providing a website featuring technology enabling users to download electronic files containing user generated photos and videos in the field of general interest; hosting on-line web facilities for others for databases and libraries of third parties in the field of <u>photography and videography</u>		
GOPRO BE A HERO (& design) 	4,993,752	(Int'l Class 9) Photographic equipment, namely, cameras, digital cameras, video cameras; portable handheld electronic devices for recording, storage,	August 26, 2013	July 5, 2016

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		<p>transmission or reproduction of photographic, video and multimedia content; cases, housings, and accessories for cameras, namely, batteries, lenses, wireless adapters, power adapters, adapter rings for attaching objects to cameras, remote controls, microphones, SD cards, photographic flash units, mounting devices for photographic equipment, tripods and camera straps; cases and bags for photographic apparatus; computer software for use in connection with photographic and video equipment and cameras, namely, software for taking, capturing, managing, processing, operating, viewing, storing, editing, arranging, combining, sharing, manipulating, modifying, commenting on, transmitting and displaying data, images, videos, multimedia files, and other digital data; desktop and mobile photo and video editing software; computer software and software applications for use in uploading, downloading, editing, storing, distributing and sharing photographic and video content via global and local computer networks and via mobile devices; downloadable multimedia files containing digital audio and video files featuring user generated images, videos, multimedia files, and other digital data.</p> <p>(Int'l Class 38) ViVideo broadcasting; streaming of video material on the internet; broadcasting of audio and video content and programming over the internet; electronic delivery of images and photographs via a global computer network and via mobile electronic devices; electronic transmission and streaming of digital media content for others via global and local computer networks and via</p>		

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		<p>mobile electronic devices; streaming user generated photographic and video content via a website on the internet and via mobile electronic devices.</p> <p>(Int'l Class 41) Photographic and video services, namely, photographic and video capture; providing non-downloadable online audio, audiovisual, multimedia, picture and video content, for educational purposes in the field of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; providing educational services, namely, conducting classes in the fields of photography, videography, computer hardware and software applications; providing training, instruction, instructional tips and advice in the field of photography, videography; providing content retrievable via the internet, namely, online non-downloadable photos and video content for educational and entertainment purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; providing online audio, audiovisual,</p>		

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		multimedia, picture and video content for entertainment and educational purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy, via a wireless network, providing electronic entertainment content, namely, providing online non-downloadable educational audio, audiovisual, multimedia and video content in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy, and providing a web site featuring non-downloadable photographs and videos featuring images, videos, multimedia files, and other digital data for educational and entertainment purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; organizing		

1 Trademark	2 Reg. No.	3 Full Goods Description	4 Filing Date	5 Reg. Date
6	7	8 community sporting and cultural 9 events, and organizing regional, 10 state-wide and national sporting 11 events, namely, cycling, mountain 12 biking, motorcycle and car racing, 13 skateboard, skiing, ski jumping, 14 snowboarding, skydiving, surfing, 15 diving, swimming, rafting, 16 kayaking, rock climbing, and 17 running; entertainment services, 18 namely, providing a website 19 featuring non-downloadable 20 photographic, audio, video and 21 multimedia presentations in the 22 fields of technology, travel, 23 entertainment news, sports, 24 fitness, recreational activities, 25 current events news, special 26 interest features in the fields of 27 nature, people in entertainment, 28 art, pop culture, adventure sports, music and photography; providing a website featuring non-downloadable audio and video content for entertainment and educational purposes in the fields of technology, travel, entertainment, sports, fitness, recreational activities, news, special interest features in the field of science, nature, entertainment, art, pop culture, adventure sports, music and photography; providing an online searchable database in the fields of photography and videography for educational and entertainment purposes featuring instructional information, images, videos, multimedia files, and other digital data in the fields of photography and videography for subject matter related to technology, travel, entertainment, sports, fitness, recreation, news, special interest features in the fields of science, nature, people, art, pop culture, adventure sports, music and photography; on-line library services, namely, providing electronic library services which feature photographs and videos via an on-line computer network;	10	11

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		<p>photography and videography services, namely, providing photographic and video content for third parties to use in the creation of television programs, television commercials, motion pictures and films; providing online journals, namely, blogs, for sharing thoughts, ideas, experiences, comments, tips, techniques, and advice in the field of photography and videography; providing conferences, seminars, workshops and tutorials in the field of photography and videography for entertainment and educational purposes.</p> <p>(Int'l Class 42) Providing a web hosting platform for uploading, downloading, storing, managing, distributing, editing and sharing photographic, video and multimedia content of third parties; providing temporary use of online non-downloadable software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Providing temporary use of on-line non-downloadable cloud computing software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos and videos; Providing a web site featuring temporary use of non-downloadable software allowing web site users to upload on-line videos for sharing with others for entertainment purposes;</p>		

Trademark	Reg. No.	Full Goods Description	Filing Date	Reg. Date
		Providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs; Computer services, namely, providing search platforms to allow users to locate, access, copy, transmit, edit, and share photographic, video and multimedia content; file sharing services, namely, providing a website featuring technology enabling users to download electronic files containing user generated photos and videos in the field of general interest; hosting on-line web facilities for others for databases and libraries of third parties in the field of <u>photography and videography</u> .		
GOPRO MOTORPLEX (& design) 	4,677,542	(Int'l Class 9) Rental of motor racing cars.	December 14, 2013	January 27, 2015

GoPro's registrations are valid and subsisting and are conclusive evidence of GoPro's exclusive right to use the marks in commerce in connection with the goods and services specified therein—indeed, Registration No. 3,032,989 is incontestable. Attached as Exhibit A are true and correct copies of printouts from the electronic database records of the U.S. Patent and Trademark Office showing the current status of the GoPro Marks.

13. GoPro is in the business of designing, manufacturing, marketing, and selling high resolution, mountable cameras and accessories with photo and video capabilities. GoPro offers a wide variety of accessories for its GoPro cameras including: a variety of camera mounts, including but not limited to handheld mounts, stand mounts, and wearable mounts, such as head straps, helmet mounts, chest harnesses, and wrist straps used by a wide range of sports enthusiasts and others; cases; lens filters; batteries; remote controls; and camera housings. GoPro also provides replacement parts and repair kits for its products.

1 14. Further, GoPro offers software and accessories for use in connection with camera
 2 and video equipment, enabling users to edit, share, broadcast and stream photos and videos. GoPro
 3 provides broadcasting, sharing and streaming services via its website at gopro.com. The
 4 gopro.com website provides an easily accessible and robust web hosting platform for uploading,
 5 downloading, streaming, managing, distributing, editing and sharing photographic, video, and
 6 multimedia content of third parties.

7 15. Plaintiff's GOPRO mark has been in valid and continuous use since 2004. As a
 8 consequence of Plaintiff's extensive marketing, promotion, advertising, and sales activity,
 9 Plaintiff's GoPro Marks have come to be identified as designators of GoPro's goods and services
 10 and, as a result, have become valuable assets of GoPro and principal symbols of its goodwill, and
 11 the GOPRO mark is now famous. Similarly, the gopro.com domain name has been a valuable
 12 asset of Plaintiff and the source of information for consumers regarding Plaintiff's products and
 13 services since at least as early as June 16, 2009.

14 16. GoPro has received considerable publicity from third-party sources, who have
 15 written numerous print and web-based articles specifically about GoPro, Plaintiff's GoPro Marks,
 16 and Plaintiff's goods and services. Over the last several years, Plaintiff was featured in Business
 17 Week, "GoPro's Incredible Small, Durable Camcorder," June 30, 2011; The Wall Street Journal,
 18 "Camcorder Popular With Surfers Looks to Ride Professional Market," April 6, 2011 and "GoPro
 19 Sees Opportunity in Its Amateur Daredevils," January 30, 2014; CNET, "Camera start-up GoPro,"
 20 May 5, 2011, and "Best Video and Action Cameras for 2019," January 2, 2019; Yahoo News, "Go
 21 Go GoPro: How an upstart camera company launched and thrived in the iPhone era," October 4,
 22 2013, "How they shot Superman With a GoPro," March 19, 2014, and "GoPro's (GPRO) HERO7
 23 Black Gains Prominence in Industry," December 24, 2018; Bloomberg Businessweek, "Can
 24 GoPro Take an IPO Plunge With Basically One Camera?" February 7, 2014 and "GoPro Goes Big
 25 as a Hybrid Media Company/Videocam Maker," March 13, 2014; engadget.com, "GoPro Hero3
 26 Black Edition review: taking action cam quality to the next level," January 4, 2013, "GoPro to
 27 launch extreme sports channel on Xbox One and 360," January 9, 2014, and "GoPro Plus now
 28 offers unlimited uncompressed video storage," January 30, 2019; and Quartz "The biggest star in

1 ‘The Martian’ wasn’t Matt Damon—it was a GoPro,” October 4, 2015.

2 17. Moreover, GoPro’s products were honored on January 14, 2014 with a Science and
 3 Technology Emmy Award for their contribution to film and TV production. Indeed, GoPro’s
 4 products are frequently used in television and film production, including receiving widespread
 5 acclaim for their cameras used to film the 2015 feature film, “The Martian.” Plaintiff’s products
 6 have also received awards from the following publications, among others: Newsweek, America’s
 7 Best Customer Service, November 2018; CES, Innovation Award, Hero7 Black 2019; IEEE ICIP
 8 Visual Innovation Award, October 2018; Stuff Magazine, 5 Star Winner, July 2010; Car and
 9 Driver, Editor’s Choice, May 2010; Motorcycle.com, New Product of the Year, 2009; Men’s
 10 Journal, Best Helmet Camera of Men’s Journal’s Gear of the Year, December 2009; Backpacker
 11 Magazine, Editor’s Choice Award, April 2009; Popular Mechanics, Editor’s Choice Award,
 12 December 2008; T3 TechLife Product of the Year, 2013; Family Choice Award, 2013; ML100
 13 Award for Game Changing Technology Implementation, 2012; TIPA Best ActionCam, 2013; and
 14 ISPO Award Gold Winner, 2013. Such publicity serves to further establish the fame, customer
 15 recognition, and goodwill in Plaintiff’s GoPro Marks nationwide.

16 18. Notably, goods sold under the GoPro Marks are offered at some of the largest and
 17 most recognizable retail shopping outlets in the United States, including Amazon.com, Best Buy,
 18 Costco, Target, and Walmart.

19 19. GoPro’s goods and services have been advertised, promoted, marketed, offered,
 20 and/or rendered in connection with Plaintiff’s GOPRO mark, since at least as early as September
 21 2004. Plaintiff has spent considerable time, money, and effort promoting Plaintiff’s GoPro Marks
 22 on the Internet, including on Plaintiff’s website at gopro.com, and via other media, as well as
 23 developing customer nationwide recognition and goodwill in the marks via both printed, web-
 24 based, mass media, and television advertisements, publications, and commercials.

25 20. Plaintiff’s GoPro Marks are famous, distinctive, and widely recognized as the
 26 source of high resolution, wearable and mountable cameras and accessories, and the gopro.com
 27 website is well known as a source of exciting photographic, video, and multimedia content.

1 **Defendants and their Infringing PRO-MOUNTS Marks for GoPro Compatible Products**

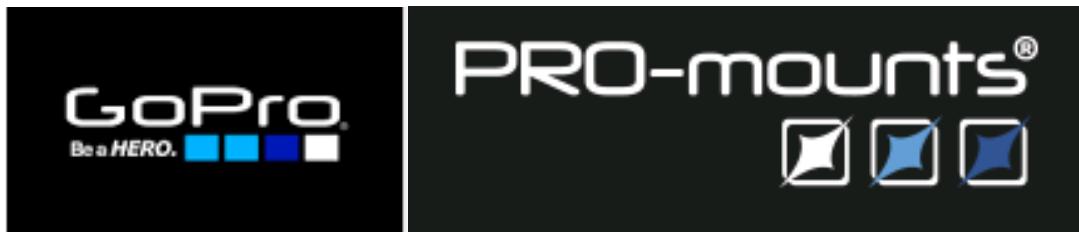
2 21. Notwithstanding GoPro's longstanding rights in the GoPro Marks, Defendant filed
 3 Application Serial No. 86/832,346 to register the mark PRO-MOUNTS & Design (the "PRO-
 4 MOUNTS Mark") for "Photographic equipment, namely, cameras, digital cameras, video
 5 cameras; blank portable handheld electronic device for electronic and digital storage of
 6 photographic, video and multimedia materials; portable handheld electronic devices for recording,
 7 transmission and reproduction of photographic, video and multimedia materials; Cases, enclosures
 8 and accessories for cameras, namely, batteries, lenses, adapter rings for attaching objects on
 9 cameras, remote controls, microphones, flash units, mounts for photographic equipment, tripods
 10 and slings and straps for cameras, camera handles, digital devices for viewing photos; blank
 11 memory cards for cameras; camera lens adapters; specially adapted cases and bags for
 12 photographic equipment; desktop and mobile photo and video editing software; software and
 13 software applications for uploading, downloading, editing, storing, distributing and sharing photos
 14 and videos via global and local computer networks and via mobile devices" in International Class
 15 9 ("the Application"). The Application was filed on November 25, 2015—well after GoPro's use
 16 and registration of its GoPro Marks—and is currently based on Defendants' alleged bona fide
 17 intention to use the mark in commerce in the United States under § 1(b) of the Lanham Act.
 18 Although the Application was filed on an intent-to-use basis, Defendants have marketed and sold
 19 products under the PRO-MOUNTS Mark throughout the United States and this judicial district,
 20 and have attended trade shows in the United States to promote the marks at issue in this litigation.

21 22. Defendants—former resellers of GoPro products—have created a business under
 22 the PRO-MOUNTS Mark that targets GoPro's consumers by offering accessories specifically
 23 designed for use with GoPro's cameras and related products and services. Defendants' goods—
 24 which include mounts for GoPro cameras, photographic equipment, cases, enclosures, and
 25 accessories for GoPro cameras, and software related to photo editing and storing—are identical
 26 and/or highly similar to Plaintiff's product offerings, and are in fact advertised as being "100%
 27 compatible" with GoPro's cameras and related products and services.

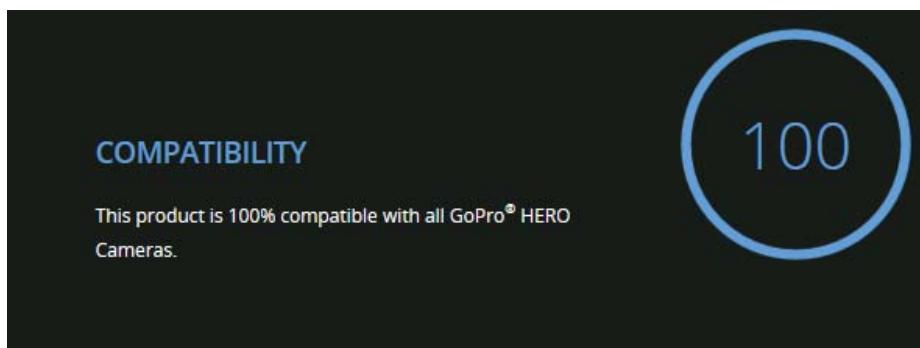
28 23. To improperly trade upon GoPro's substantial goodwill in its GoPro Marks, and to

1 make an unmistakable connection between GoPro and Defendants in the mind of consumers,
 2 Defendants adopted “PRO” as the primary and dominant element of its trademark, to which
 3 Defendants appended the descriptive word “MOUNTS.” The dominant portion of the PRO-
 4 MOUNTS Mark—PRO—is identical to the PRO-portion of the GoPro Marks. Defendants’
 5 addition of the word “MOUNTS”—which merely describes the products Defendants offers in
 6 connection with its infringing mark—does little to distinguish PRO-MOUNTS from Plaintiff’s
 7 GOPRO mark. In fact, because “MOUNTS” describes goods sold by GoPro, the additional term
 8 may increase a likelihood of confusion. Accordingly, Defendants’ PRO-MOUNTS Mark differs
 9 only slightly from Plaintiff’s widely recognized, famous, and distinctive GoPro Marks.

10 24. To further exacerbate confusion, the PRO-MOUNTS MARK copies GoPro’s
 11 distinctive and well-known marks and registered logo designs by incorporating blue and white
 12 squares that mimic GoPro’s distinctive blue and white multibox logo design, which is the subject
 13 of Registration Nos. 4,993,752 and 4,677,542, amongst others. An example of Plaintiff’s logo and
 14 the PRO-MOUNTS Mark are shown below:



15 25. Throughout Defendants’ English-language website, located at pro-mounts.eu,
 16 Defendants publicize that their products are compatible with GoPro’s products. These prominent
 17 claims include the following representative examples:
 18



1 The PRO-mounts Headstrap Mount+

2 CHILDREN FRIENDLY

3 The PRO-mounts HeadStrap Mount is compatible with all GoPro / (Action) Cameras and makes it possible to
 4 wear your GoPro / (Action) Camera on your head. The PRO-mounts HeadStrap mount can be used by
 5 children and the elderly, but can also be used in combination with a helmet or Baseball Cap.

6 26. Defendants' website at pro-mounts.eu further adds to the confusion by generally
 7 copying the look and feel of GoPro's website at gopro.com. Both websites use the same layout; a
 8 similar black and blue color scheme; and prominently feature photos and videos of action shots
 9 that appear to be filmed with GoPro cameras. Customers in the United States have had the option
 10 to purchase PRO-MOUNTS branded products in the United States through the pro-mounts.eu
 11 website. Attached as Exhibit B are images of the pro-mounts.eu and gopro.com websites.

12 27. There can be no doubt that the marks look similar and convey substantially the
 13 same commercial impression as one another, thereby suggesting that there is a relationship or
 14 affiliation between Defendants and Plaintiff, when in fact no such relationship exists. Defendants'
 15 actions suggest that it is intentionally attempting to mislead and confuse consumers as to the
 16 source of its goods and as to a possible relationship or affiliation between Defendants and
 17 Plaintiff, all to Plaintiff's detriment.

18 As a Maker of GoPro-Compatible Products, Defendants Must Have Been Aware of the 19 GoPro Marks Prior to Adopting the Infringing PRO-MOUNTS Mark

20 28. Given that Defendants' business involves selling GoPro-compatible products,
 21 Defendants must have been aware of Plaintiff and/or its GoPro Marks prior to its adoption of the
 22 PRO-MOUNTS Mark. Indeed, Mr. Reed is a former reseller of GoPro products.

23 29. Defendants also had constructive knowledge of Plaintiff's GoPro word mark as
 24 early as February 17, 2004, due to Plaintiff's federal application for the GOPRO Mark with the
 25 U.S. Patent and Trademark Office.

26 30. In addition to Defendants' constructive knowledge, Defendants were aware of
 27 Plaintiff and its GoPro Marks prior to its adoption of the PRO-MOUNTS Mark because of the
 28 significant publicity surrounding Plaintiff after the commercial launch of its GoPro products in

September 2004, and all the subsequent publicity regarding the GoPro Marks generally, and Plaintiff's widely acclaimed products and services.

31. Defendants applied for registration of the PRO-MOUNTS Mark without the consent or agreement of Plaintiff.

Likelihood of Confusion

6 32. In view of the similarities between the marks and the fact that Defendants sell
7 GoPro-compatible products that are the same or almost identical to those offered by GoPro, the
8 PRO-MOUNTS Mark so resembles Plaintiff's GoPro Marks as to be likely to cause confusion or
9 mistake or to deceive, thereby causing loss, damage, and injury to Plaintiff and the purchasing
10 public.

11 33. Given the similarity of the respective marks and the identical and related nature of
12 the goods and services of the respective parties, Defendants' use and registration of the PRO-
13 MOUNTS Mark is likely to cause confusion or mistake, deceive, disparage, and falsely suggest a
14 connection with Plaintiff, thereby causing loss, damage, and injury to Plaintiff and the purchasing
15 public. The extent of potential confusion among consumers between the Application and
16 Plaintiff's GoPro Marks is substantial

17 34. Consumers familiar with Plaintiff's GoPro Marks are likely to mistakenly believe
18 that Defendants' goods are sponsored, authorized, associated with, or otherwise approved by
19 Plaintiff because the PRO-MOUNTS Mark is confusingly similar to a key element of Plaintiff's
20 marks, namely the PRO-portion of the GoPro Marks.

21 35. Defendants' use of the PRO-MOUNTS Mark does, and is likely to, falsely suggest
22 a relationship between Defendants' goods and services and Plaintiff's goods and services. Such
23 use is thus likely to cause a significant increase in the level of Defendants' sales due to consumers'
24 mistaken belief that Plaintiff is the source or sponsor of Defendants' goods. Defendants' use of the
25 PRO-MOUNTS Mark is therefore likely to result in Defendants' trading off and benefiting from
26 the goodwill associated with Plaintiff, resulting in ill-gotten gains by Defendant.

27 36. In the unlikely event that any consumer might not be confused and believe that
28 Defendants' goods originate from or are related to those of Plaintiff, Defendants' use of the PRO-

1 MOUNTS Mark would nonetheless diminish the distinctive quality of Plaintiff's GoPro Marks. As
2 a result, the ability of Plaintiff's GoPro Marks to identify Plaintiff's goods and services is
3 weakened, thereby causing loss, damage, and injury to Plaintiff. Such association will also harm
4 the reputation of Plaintiff's GOPRO mark. For example, inferior performance, deficiencies, or
5 other faults of Defendants' goods are likely to reflect negatively upon, tarnish, and seriously injure
6 the reputation which Plaintiff has established for the goods and services marketed under Plaintiff's
7 GoPro Marks. This will likely result in a loss of revenues to Plaintiff and damage to Plaintiff's
8 reputation and goodwill.

9 37. To protect its valuable brand, GoPro filed a Notice of Opposition against Allied
10 Sunny's trademark application for PRO-MOUNTS (& design) before the U.S. Patent and
11 Trademark Office's Trademark Trial and Appeal Board. In that proceeding, Allied Sunny was
12 sanctioned for spoliation of evidence concerning key documents. Although GoPro has repeatedly
13 asked Defendants to stop using the infringing PRO-MOUNTS Mark—including at an in-person
14 meeting in this judicial district—Defendants continue to do business under the PRO-MOUNTS
15 Mark in the United States. GoPro has no choice but to bring this action to stop Defendants from
16 further violating GoPro's trademark rights.

COUNT I

**TRADEMARK INFRINGEMENT IN VIOLATION
OF SECTION 32 OF THE LANHAM ACT**

38. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 37
as if fully set forth herein.

22 39. Defendants' aforesaid use of the PRO-MOUNTS Mark—particularly in connection
23 with GoPro-compatible products—is likely to cause confusion, mistake, or deception as to source,
24 origin, sponsorship, or approval of Defendants' goods.

25 40. Defendants' actions, thus, constitute trademark infringement of the GoPro Marks in
26 violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

27 41. Defendants' adoption and use of marks so similar to Plaintiff's GoPro Marks will
28 cause irreparable injury to the value and goodwill of the GoPro Marks, as well as to Plaintiff's

1 business, goodwill, and reputation. Defendants' actions, if not enjoined, will continue. Plaintiffs
2 have no adequate remedy at law in that the amount of its damages is difficult to ascertain with
3 certainty.

4 42. As a result of Defendants' infringement, Plaintiff has incurred damages in an
5 amount to be proven at trial.

6 43. Defendants' actions as described above are deliberate, willful, fraudulent and
7 without any extenuating circumstances, and constitute a knowing violation of GoPro's rights.
8 GoPro is therefore entitled to recover three times the amount of its actual damages, and attorneys'
9 fees and costs incurred in this action, as this is an "exceptional" case under Section 35 of the
10 Lanham Act, 15 U.S.C. §1117.

COUNT II

**UNFAIR COMPETITION IN VIOLATION OF
SECTION 43(a) OF THE LANHAM ACT**

14 44. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 43
15 as if fully set forth herein.

16 45. Defendants' aforesaid use of the PRO-MOUNTS Mark in commerce is likely to
17 cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association
18 of Defendants with Plaintiff, or as to the origin, sponsorship, or approval of Defendants' goods, in
19 that purchasers are likely to believe that Plaintiff authorizes or controls the sale, offering, or
20 provision of Defendants' goods, or that Defendants are associated with or authorized by Plaintiff
21 to sell, offer, or provide those products.

22 46. Defendants' actions, thus, constitute unfair competition in violation of Section
23 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

24 47. Defendants' acts greatly and irreparably damage Plaintiff and will continue to so
25 damage Plaintiff unless restrained by this Court; wherefore, Plaintiff is without an adequate
26 remedy at law. Accordingly, Plaintiff is entitled to, among other relief, an order permanently
27 enjoining and restraining Defendants from using the PRO-MOUNTS Mark.

1 48. As a result of Defendants' infringement, Plaintiff has incurred damages in an
2 amount to be proven at trial.

3 49. Defendants' actions as described above are deliberate, willful, fraudulent and
4 without any extenuating circumstances, and constitute a knowing violation of GoPro's rights.
5 GoPro is therefore entitled to recover three times the amount of its actual damages, and attorneys'
6 fees and costs incurred in this action, as this is an "exceptional" case under Section 35 of the
7 Lanham Act, 15 U.S.C. §1117.

COUNT III

TRADEMARK DILUTION IN VIOLATION OF 15 U.S.C. § 1125(c)

10 50. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 49
11 as if fully set forth herein.

12 51. The above-described use by Defendants of the PRO-MOUNTS Mark is likely to
13 impair and has impaired the distinctiveness of the GoPro Marks and their ability to identify and
14 distinguish the goods and services of GoPro—and has also harmed the reputation of the famous
15 GoPro Marks by associating them with one or more of the Defendants.

16 52. The above-described acts and omissions by Defendants has caused irreparable and
17 continuing injury to GoPro and the public. Defendants each further willfully intended to trade on
18 the reputation of GoPro and to cause dilution of its marks.

19 53. Defendants each committed the above-described acts and omissions willfully, and
20 under the circumstances of this case, the Court should award a multiplier of damages of up to three
21 times under Section 35 of the Lanham Act. This is also an exceptional cause under Section 35 of
22 the Lanham Act, thereby entitling GoPro to its reasonable attorneys' fees.

COUNT IV

TRADEMARK DILUTION IN VIOLATION OF

CALIFORNIA BUSINESS AND PROFESSIONS CODE § 14247

26 54. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 53
27 as if fully set forth herein.

55. The GoPro Marks are distinctive and famous within the meaning of Section 14247 of the California Business and Professions Code.

56. Defendants' use of the PRO-MOUNTS Mark began after the GoPro Marks became famous.

57. Defendants' continued use of the PRO-MOUNTS Mark is likely to cause injury to Plaintiff's business and reputation, and dilute the distinctive quality of Plaintiff's famous GoPro Marks in violation of Section 14247 of the California Business and Professions Code.

58. Plaintiff has been and will continue to be damaged and irreparably harmed by the actions of the Defendants, which will continue unless Defendants are enjoined by this Court.

59. Plaintiffs have no adequate remedy at law in that the amount of damage to Plaintiff's business and reputation and the diminution of the goodwill of the GoPro Marks is difficult to ascertain with specificity. Plaintiff is therefore entitled to injunctive relief.

60. The actions of Defendants described herein were and continue to be deliberate and willful. Plaintiff is therefore entitled to recover damages in an amount to be determined at trial, profits made by Defendants on the sales of their products, and the costs of this action pursuant to Sections 14247 and 14250 of the California Business and Professions Code.

COUNT V

TRADEMARK INFRINGEMENT – CALIFORNIA COMMON LAW

61. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 60 as if fully set forth herein.

62. GoPro owns protectable common law rights in its GoPro Marks.

63. Defendants' conduct is likely to cause confusion, to cause mistake, or to deceive as to the source of products and services offered by Defendants, or as to affiliation, connection, association, sponsorship, or approval of such products and services, and constitutes infringement of GoPro's common law GOPRO trademark rights.

64. Defendants infringed and continue to infringe GoPro's trademarks with knowledge and intent to cause confusion, mistake, or deception.

65. Defendants' conduct is aggravated by that kind of willfulness, wantonness, malice

and conscious indifference to the rights and welfare of GoPro for which California law allows the imposition of exemplary damages.

66. As a direct and proximate result of Defendants' activities, GoPro has suffered substantial damage.

67. Pursuant to California common law, GoPro is entitled to injunctive relief, and compensatory and punitive damages.

COUNT VI

**UNFAIR COMPETITION IN VIOLATION OF
CALIFORNIA BUSINESS AND PROFESSIONS CODE § 17200, et seq.**

10 68. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 67
11 as if fully set forth herein.

69. Defendants' aforesaid acts of trademark infringement and dilution constitute
“unlawful, unfair or fraudulent business act[s] or practice[s] and unfair, deceptive, untrue or
misleading advertising” in violation of Section 17200 of the California Business and Professions.

COUNT VII

UNFAIR COMPETITION – CALIFORNIA COMMON LAW

17 70. Plaintiff repeats and realleges the allegations contained in Paragraphs 1 through 69
18 as if fully set forth herein.

19 71. Defendants' misconduct alleged herein constitutes unfair competition under the
20 common law of the State of California.

21 72. Defendants have intentionally traded upon and unfairly benefited from Plaintiff's
22 valuable goodwill and reputation in order to compete unfairly with Plaintiff and has been unjustly
23 enriched thereby.

24 73. Defendants have misappropriated for themselves the commercial value of the
25 GoPro Marks in conscious disregard of Plaintiff's rights, and impaired the value of Plaintiff's
26 goodwill in the GoPro Marks among consumers.

74. In conducting such acts, Defendants are guilty of oppression, fraud and/or malice,
as defined in Section 3294 of the California Civil Code.

75. As a direct and proximate result of this unfair competition, Plaintiff has suffered and is suffering irreparable injury. Plaintiff will continue to suffer irreparable injury unless the Court enters an appropriate injunction enjoining Defendants' from using the Pro-Mounts Mark.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby request a trial by jury in this matter.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that:

9 1. Defendants, their officers, agents, servants, employees, representatives, attorneys,
10 their successors and assigns, and all other persons, firms, or corporations in active concert or
11 participation with Defendants who receive notice hereof, including but not limited to all
12 subsidiaries, affiliates, licensees, employees, or assigns of Defendants, be permanently enjoined
13 from:

a. using the PRO-MOUNTS Mark or any term or mark confusingly similar to the GoPro Marks, including but not limited to any mark encompassing the terms “GO” or “PRO” in connection with the advertisement, promotion, distribution, offering for sale or selling of cameras or related equipment.

b. performing any acts or using any trademarks, names, words, images or phrases that are likely to cause confusion, to cause mistake, to deceive or otherwise mislead the trade or public into believing that Plaintiff and Defendants are one in the same or are in some way connected or that Plaintiff is a sponsor of Defendants or that the goods of Defendants originate with Plaintiff or are likely to lead the trade or public to associate Defendants with Plaintiffs.

c. otherwise competing unfairly with GoPro in any manner.

d. continuing to perform in any manner whatsoever any of the other acts complained of in this Complaint.

2. Defendants be required to file with the Court, and serve on Plaintiff, a statement

1 under oath evidencing compliance with any preliminary or permanent injunctive relief ordered by
2 the Court within fourteen (14) days after the entry of such order of injunctive relief;

3 3. Defendants, and all others holding by, through, or under Defendants, be required,
4 jointly and severally, to:

- 5 a. account for and pay over to Plaintiff all profits derived by any Defendants
6 from their acts of trademark infringement and unfair competition, such
7 award to be trebled in accordance with 15 U.S.C. § 1117(a);
8 b. pay to Plaintiff the amount of all damages incurred by Plaintiff by reason of
9 Defendants' acts of trademark infringement and unfair competition, such
10 amount to be trebled in accordance with 15 U.S.C. § 1117(a);
11 c. pay to Plaintiff the costs of this action, together with reasonable attorneys'
12 fees and disbursements, in accordance with 15 U.S.C. § 1117(a) and
13 California Civil Procedure Code § 1021.5;
14 d. pay to Plaintiff exemplary and/or punitive damages by reason of
15 Defendants' acts of unfair competition, in accordance with Cal. Civ. Code §
16 3294 and the common law of the State of California;
17 e. deliver up for destruction all of the Defendants' infringing equipment and
18 accessories, and all labels, signs, prints, packaging, and advertisements
19 therefor, and any molds, matrices, or other means for making the same, in
20 their possession, in accordance with 15 U.S.C. § 1118; and
21 f. award to Plaintiff the costs, and expenses of this litigation as well as pre-
22 judgment interest.

23 4. Plaintiff has such other and further relief as the Court deems just and equitable.

24 DATED: February 22, 2019

HANSON BRIDGETT LLP

25 By: /s/ Raffi V. Zerounian
26 RAFFI V. ZEROUNIAN
27 JANIE L. THOMPSON
28 Attorneys for Plaintiff
 GOPRO, INC.

EXHIBIT A



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Feb 22 04:51:02 EST 2019

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (*Use the "Back" button of the Internet Browser to return to TESS*)

Word Mark	GOPRO
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Photographic equipment, namely, [film cameras and] digital cameras, cases and housings for cameras and camera straps. FIRST USE: 20040113. FIRST USE IN COMMERCE: 20040912
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78369572
Filing Date	February 17, 2004
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	December 21, 2004
Registration Number	3032989
Registration Date	December 20, 2005
Owner	(REGISTRANT) Woodman Labs, Inc. CORPORATION CALIFORNIA 3000 Clearview Way, Bldg E San Mateo CALIFORNIA 94402 (LAST LISTED OWNER) GOPRO, INC. CORPORATION DELAWARE 3000 CLEARVIEW WAY SAN MATEO CALIFORNIA 94402
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Connie L. Ellerbach
Type of Mark	TRADEMARK
Register	PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20151104.

Renewal 1ST RENEWAL 20151104

**Live/Dead
Indicator** LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

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(*Use the "Back" button of the Internet Browser to return to TESS*)

GOPRO

Word Mark GOPRO

Goods and Services IC 009. US 021 023 026 036 038. G & S: Photographic equipment, namely, cameras, digital cameras, video cameras; portable handheld electronic devices for recording, storage, transmission or reproduction of photographic, video and multimedia content; cases, housings, and accessories for cameras, namely, batteries, lenses, wireless adapters, power adapters, adapter rings for attaching objects to cameras, remote controls, microphones, SD cards, photographic flash units, mounting devices for photographic equipment, tripods and camera straps; cases and bags for photographic apparatus; computer software for use in connection with photographic and video equipment and cameras, namely, software for taking, capturing, managing, processing, operating, viewing, storing, editing, arranging, combining, sharing, manipulating, modifying, commenting on, transmitting and displaying data, images, videos, multimedia files, and other digital data; desktop and mobile photo and video editing software; computer software and software applications for use in uploading, downloading, editing, storing, distributing and sharing photographic and video content via global and local computer networks and via mobile devices; downloadable multimedia files containing digital audio and video files featuring user generated images, videos, multimedia files, and other digital data. FIRST USE: 20040113. FIRST USE IN COMMERCE: 20040912

IC 038. US 100 101 104. G & S: Video broadcasting; streaming of video material on the internet; broadcasting of audio and video content and programming over the internet; electronic delivery of images and photographs via a global computer network and via mobile electronic devices; electronic transmission and streaming of digital media content for others via global and local computer networks and via mobile electronic devices; streaming user generated photographic and video content via a website on the internet and via mobile electronic devices. FIRST USE: 20090311. FIRST USE IN COMMERCE: 20090311

IC 041. US 100 101 107. G & S: Photographic and video services, namely, photographic and video capture; providing non-downloadable online audio, audiovisual, multimedia, picture and video content, for educational purposes in the field of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; providing educational services, namely, conducting classes in the fields of photography, videography, computer hardware and software applications; providing training, instruction, instructional tips and advice in the field of photography, videography; providing content retrievable via the internet, namely, online non-downloadable photos and video content for educational and entertainment purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure,

gaming, religion, performing arts and philanthropy; providing online audio, audiovisual, multimedia, picture and video content for entertainment and educational purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy, via a wireless network, providing electronic entertainment content, namely, providing online non-downloadable educational audio, audiovisual, multimedia and video content in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy, and providing a web site featuring non-downloadable photographs and videos featuring images, videos, multimedia files, and other digital data for educational and entertainment purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; organizing community sporting and cultural events, and organizing regional, state-wide and national sporting events, namely, cycling, mountain biking, motorcycle and car racing, skateboard, skiing, ski jumping, snowboarding, skydiving, surfing, diving, swimming, rafting, kayaking, rock climbing, and running; entertainment services, namely, providing a website featuring non-downloadable photographic, audio, video and multimedia presentations in the fields of technology, travel, entertainment news, sports, fitness, recreational activities, current events news, special interest features in the fields of nature, people in entertainment, art, pop culture, adventure sports, music and photography; providing a website featuring non-downloadable audio and video content for entertainment and educational purposes in the fields of technology, travel, entertainment, sports, fitness, recreational activities, news, special interest features in the field of science, nature, entertainment, art, pop culture, adventure sports, music and photography; providing an online searchable database in the fields of photography and videography for educational and entertainment purposes featuring instructional information, images, videos, multimedia files, and other digital data in the fields of photography and videography for subject matter related to technology, travel, entertainment, sports, fitness, recreation, news, special interest features in the fields of science, nature, people, art, pop culture, adventure sports, music and photography; on-line library services, namely, providing electronic library services which feature photographs and videos via an on-line computer network; photography and videography services, namely, providing photographic and video content for third parties to use in the creation of television programs, television commercials, motion pictures and films; providing online journals, namely, blogs, for sharing thoughts, ideas, experiences, comments, tips, techniques, and advice in the field of photography and videography; providing conferences, seminars, workshops and tutorials in the field of photography and videography for entertainment and educational purposes. FIRST USE: 20060300. FIRST USE IN COMMERCE: 20060300

IC 042. US 100 101. G & S: Providing a web hosting platform for uploading, downloading, storing, managing, distributing, editing and sharing photographic, video and multimedia content of third parties; providing temporary use of online non-downloadable software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Providing temporary use of on-line non-downloadable cloud computing software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos and videos; Providing a web site featuring temporary use of non-downloadable software allowing web site users to upload on-line videos for sharing with others for entertainment purposes; Providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs; Computer services, namely, providing search platforms to allow users to locate, access, copy, transmit, edit, and share photographic, video and multimedia content; file sharing services, namely, providing a website featuring technology enabling users to download electronic files containing user generated photos and videos in the field of general interest; hosting on-line web facilities for others for databases and libraries of third parties in the field of photography and videography. FIRST USE: 20110328. FIRST USE IN COMMERCE: 20110328

Standard Characters	
Claimed	
Mark	
Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86048206
Filing Date	August 26, 2013
Current Basis	1A

Original Filing Basis 1B
Published for Opposition January 27, 2015
Registration Number 5008425
Registration Date July 26, 2016
Owner (REGISTRANT) GOPRO, INC. CORPORATION DELAWARE 3000 CLEARVIEW WAY SAN MATEO CALIFORNIA 94402
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Connie L. Ellerbach
Prior Registrations 3032989
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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GOPRO

Word Mark GOPRO

Goods and Services IC 009. US 021 023 026 036 038. G & S: spherical photo and video capture cameras; cameras for producing 360 views; panoramic cameras; central array boards and related hardware and software for spherical photo and video capture cameras; software tools and applications to support spherical video content; computer software for taking, capturing, managing, processing, operating, viewing, storing, editing, arranging, combining, sharing, manipulating, modifying, commenting on, transmitting and displaying spherical and panoramic photo and video content; power solutions for spherical photo and video capture cameras, including batteries, wireless adaptors, power adaptors, and chargers; custom camera hardware solutions; custom integrated platform solutions; selfie sticks, namely, hand-held monopods; camera fixing bands, namely, head bands, straps, shoulder bands, and chest bands; mounting brackets for cameras; bases for cameras; clamps for cameras; floats for cameras; floatable hand grips for cameras; storage bags for cameras; waterproof and non-waterproof protective cases for cameras; protective lens covers for cameras; protective films adapted for camera screens; windshields made of plastic; filters for photographic equipment; wires and cables for camera electricity mains; wall chargers; car-mounted chargers.
FIRST USE: 20040113. FIRST USE IN COMMERCE: 20040912

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86906488

Filing Date February 12, 2016

Current Basis 1A

Original Filing Basis 1B

Published for Opposition July 12, 2016

Registration Number 5187830

International 1293658

Registration

Number

Registration Date April 18, 2017

Owner (REGISTRANT) GoPro, Inc. CORPORATION DELAWARE 3000 Clearview Way San Mateo CALIFORNIA 94402

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Connie L. Ellerbach

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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GOPRO

Word Mark GOPRO

Goods and Services IC 009. US 021 023 026 036 038. G & S: Camera accessories, namely, mounts, smart mounts, straps, rigs, holders, harnesses, brackets; related equipment for holding, mounting, positioning and maneuvering cameras, namely, stabilizers and harnesses. FIRST USE: 20160919. FIRST USE IN COMMERCE: 20161022

IC 012. US 019 021 023 031 035 044. G & S: Unmanned aerial vehicles (UAVs), remote controlled UAVs, quad copters and drones, and related structural components, namely, the body, arms, routers, motors, propellers, landing struts, stabilizers, and vibration isolators; robotic transport vehicles, and related structural components namely, the body, arms, routers, motors, propellers, landing struts, stabilizers, vibration isolators. FIRST USE: 20160919. FIRST USE IN COMMERCE: 20161022

IC 028. US 022 023 038 050. G & S: Remote control and computer controlled flying devices for recreational use, namely, quad copters, and drones. FIRST USE: 20160919. FIRST USE IN COMMERCE: 20161022

**Standard Characters
Claimed**

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86746656

Filing Date September 3, 2015

Current Basis 1A

Original Filing Basis 1B

Published for Opposition May 31, 2016

Registration Number 5214644

Registration May 30, 2017

Date
Owner (REGISTRANT) GoPro, Inc. CORPORATION DELAWARE 3000 Clearview Way San Mateo CALIFORNIA 94402
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Connie L. Ellerbach
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark GOPRO

Goods and Services IC 009. US 021 023 026 036 038. G & S: Photographic equipment, namely, cameras, digital cameras, video cameras; portable handheld electronic devices for recording, storage, transmission or reproduction of photographic, video and multimedia content; cases, housings, and accessories for cameras, namely, batteries, lenses, digital photo viewers, wireless adapters, power adapters, adapter rings for attaching objects to cameras, remote controls, microphones, SD cards, mounting devices for photographic equipment, tripods and camera straps; cases and bags for photographic apparatus; computer software for use in connection with photographic and video equipment and cameras, namely, software for taking, capturing, managing, processing, operating, viewing, storing, editing, arranging, combining, sharing, manipulating, modifying, commenting on, transmitting and displaying data, images, videos, multimedia files, and other digital data; desktop and mobile photo and video editing software; computer software and software applications for use in uploading, downloading, editing, storing, distributing and sharing photographic and video content via global and local computer networks and via mobile devices; downloadable multimedia files containing digital audio and video files featuring user generated images, videos, multimedia files, and other digital data. FIRST USE: 20160919. FIRST USE IN COMMERCE: 20160919

IC 038. US 100 101 104. G & S: Video broadcasting; streaming of video material on the internet; broadcasting of audio and video content and programming over the internet; electronic delivery of images and photographs via a global computer network and via mobile electronic devices; electronic transmission and streaming of digital media content for others via global and local computer networks and via mobile electronic devices; streaming user generated photographic and video content via a website on the internet and via mobile electronic devices. FIRST USE: 20160919. FIRST USE IN COMMERCE: 20160919

IC 041. US 100 101 107. G & S: Photographic and video services, namely, photographic and video capture; rental of photographic equipment, namely, cameras, digital cameras, video cameras, camera cases, housings, and accessories for cameras, namely, batteries, lenses, digital photo viewers, wireless adapters, power adapters, adapter rings for attaching objects to cameras, remote controls, microphones, SD cards, mounting devices for photographic equipment, tripods and camera straps; providing non-downloadable online audio, audiovisual, multimedia, picture and video content, for educational purposes in the field of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; providing educational services, namely, conducting classes in the fields of photography, videography, computer hardware and software applications; providing training, instruction, instructional tips and advice in the field of photography, videography; providing content retrievable via the internet, namely, online nondownloadable photos and video content for educational and entertainment purposes in the fields of media, news, politics, education, entertainment, sports,

culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; providing online audio, audiovisual, multimedia, picture and video content for entertainment and educational purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy, via a wireless network; providing electronic entertainment content, namely, providing online non-downloadable educational audio, audiovisual, multimedia and video content in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy, and providing a web site featuring non-downloadable photographs and videos featuring images, videos, multimedia files, and other digital data for educational and entertainment purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; organizing community sporting and cultural events, and organizing regional, state-wide and national sporting events, namely, cycling, motocross, mountain biking, motorcycle and car racing, soccer, skateboard, skating, skiing, ski jumping, snowboarding, hang gliding, skydiving, surfing, diving, swimming, rafting, kayaking, rock climbing, running, track and field and extreme sports exhibitions and competitions; entertainment services, namely, providing a website featuring non-downloadable photographic, audio, video and multimedia presentations in the fields of technology, travel, entertainment news, sports, fitness, recreational activities, current events news, special interest features in the fields of nature, people in entertainment, art, pop culture, adventure sports, music and photography; providing a website featuring non-downloadable audio and video content for entertainment and educational purposes in the fields of technology, travel, entertainment, sports, fitness, recreational activities, news, special interest features in the field of science, nature, entertainment, art, pop culture, adventure sports, music and photography; providing an online searchable database in the fields of photography and videography for educational and entertainment purposes featuring instructional information, images, videos, multimedia files, and other digital data in the fields of photography and videography for subject matter related to technology, travel, entertainment, sports, fitness, recreation, news, special interest features in the fields of science, nature, people, art, pop culture, adventure sports, music and photography; on-line library services, namely, providing electronic library services which feature photographs and videos via an on-line computer network; photography and videography services, namely, providing photographic and video content for third parties to use in the creation of television programs, television commercials, motion pictures and films; providing online journals, namely, blogs, for sharing thoughts, ideas, experiences, comments, tips, techniques, and advice in the field of photography and videography; providing conferences, seminars, workshops and tutorials in the field of photography and videography for entertainment and educational purposes. FIRST USE: 20160919. FIRST USE IN COMMERCE: 20160919

IC 042. US 100 101. G & S: Providing a web hosting platform for uploading, downloading, storing, managing, distributing, editing and sharing photographic, video and multimedia content of third parties; providing temporary use of online non-downloadable software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Providing temporary use of on-line non-downloadable cloud computing software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos and videos; Providing a web site featuring temporary use of non-downloadable software allowing web site users to upload on-line videos for sharing with others for entertainment purposes; Providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs; Computer services, namely, providing search platforms to allow users to locate, access, copy, transmit, edit, and share photographic, video and multimedia content; file sharing services, namely, providing a website featuring technology enabling users to download electronic files containing user generated photos and videos in the field of general interest; hosting on-line web facilities for others for databases and libraries of third parties in the field of photography and videography. FIRST USE: 20160919. FIRST USE IN COMMERCE: 20160919

Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.09.14 - Squares, three or more; Three or more squares 26.09.21 - Squares that are completely or partially shaded
Serial Number	85973328
Filing Date	June 28, 2013

Current Basis 1A
Original Filing Basis 1B
Published for Opposition January 20, 2015
Registration Number 5375510
Registration Date January 9, 2018
Owner (REGISTRANT) GOPRO, INC. CORPORATION DELAWARE 3000 CLEARVIEW WAY SAN MATEO CALIFORNIA 94402
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Connie L. Ellerbach
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "GOPRO" above four small rectangles.
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark GOPRO BE A HERO.

Goods and Services IC 009. US 021 023 026 036 038. G & S: Photographic equipment, namely, cameras, digital cameras, video cameras; portable handheld electronic devices for recording, storage, transmission or reproduction of photographic, video and multimedia content; cases, housings, and accessories for cameras, namely, batteries, lenses, wireless adapters, power adapters, adapter rings for attaching objects to cameras, remote controls, microphones, SD cards, photographic flash units, mounting devices for photographic equipment, tripods and camera straps; cases and bags for photographic apparatus; computer software for use in connection with photographic and video equipment and cameras, namely, software for taking, capturing, managing, processing, operating, viewing, storing, editing, arranging, combining, sharing, manipulating, modifying, commenting on, transmitting and displaying data, images, videos, multimedia files, and other digital data; desktop and mobile photo and video editing software; computer software and software applications for use in uploading, downloading, editing, storing, distributing and sharing photographic and video content via global and local computer networks and via mobile devices; downloadable multimedia files containing digital audio and video files featuring user generated images, videos, multimedia files, and other digital data. FIRST USE: 20080717. FIRST USE IN COMMERCE: 20080717

IC 038. US 100 101 104. G & S: Video broadcasting; streaming of video material on the internet; broadcasting of audio and video content and programming over the internet; electronic delivery of images and photographs via a global computer network and via mobile electronic devices; electronic transmission and streaming of digital media content for others via global and local computer networks and via mobile electronic devices; streaming user generated photographic and video content via a website on the internet and via mobile electronic devices. FIRST USE: 20090311. FIRST USE IN COMMERCE: 20090311

IC 041. US 100 101 107. G & S: Photographic and video services, namely, photographic and video capture; providing non-downloadable online audio, audiovisual, multimedia, picture and video content, for educational purposes in the field of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; providing educational services, namely, conducting classes in the fields of photography, videography, computer hardware and software applications; providing training, instruction, instructional tips and advice in the field of photography, videography; providing content retrievable via the internet, namely, online non-downloadable photos and video content for educational and entertainment purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure,

gaming, religion, performing arts and philanthropy; providing online audio, audiovisual, multimedia, picture and video content for entertainment and educational purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy, via a wireless network, providing electronic entertainment content, namely, providing online non-downloadable educational audio, audiovisual, multimedia and video content in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy, and providing a web site featuring non-downloadable photographs and videos featuring images, videos, multimedia files, and other digital data for educational and entertainment purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; organizing community sporting and cultural events, and organizing regional, state-wide and national sporting events, namely, cycling, mountain biking, motorcycle and car racing, skateboard, skiing, ski jumping, snowboarding, skydiving, surfing, diving, swimming, rafting, kayaking, rock climbing, and running; entertainment services, namely, providing a website featuring non-downloadable photographic, audio, video and multimedia presentations in the fields of technology, travel, entertainment news, sports, fitness, recreational activities, current events news, special interest features in the fields of nature, people in entertainment, art, pop culture, adventure sports, music and photography; providing a website featuring non-downloadable audio and video content for entertainment and educational purposes in the fields of technology, travel, entertainment, sports, fitness, recreational activities, news, special interest features in the field of science, nature, entertainment, art, pop culture, adventure sports, music and photography; providing an online searchable database in the fields of photography and videography for educational and entertainment purposes featuring instructional information, images, videos, multimedia files, and other digital data in the fields of photography and videography for subject matter related to technology, travel, entertainment, sports, fitness, recreation, news, special interest features in the fields of science, nature, people, art, pop culture, adventure sports, music and photography; on-line library services, namely, providing electronic library services which feature photographs and videos via an on-line computer network; photography and videography services, namely, providing photographic and video content for third parties to use in the creation of television programs, television commercials, motion pictures and films; providing online journals, namely, blogs, for sharing thoughts, ideas, experiences, comments, tips, techniques, and advice in the field of photography and videography; providing conferences, seminars, workshops and tutorials in the field of photography and videography for entertainment and educational purposes. FIRST USE: 20060300. FIRST USE IN COMMERCE: 20060300

IC 042. US 100 101. G & S: Providing a web hosting platform for uploading, downloading, storing, managing, distributing, editing and sharing photographic, video and multimedia content of third parties; providing temporary use of online non-downloadable software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Providing temporary use of on-line non-downloadable cloud computing software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos and videos; Providing a web site featuring temporary use of non-downloadable software allowing web site users to upload on-line videos for sharing with others for entertainment purposes; Providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs; Computer services, namely, providing search platforms to allow users to locate, access, copy, transmit, edit, and share photographic, video and multimedia content; file sharing services, namely, providing a website featuring technology enabling users to download electronic files containing user generated photos and videos in the field of general interest; hosting on-line web facilities for others for databases and libraries of third parties in the field of photography and videography. FIRST USE: 20110328. FIRST USE IN COMMERCE: 20110328

Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design	26.11.20 - Rectangles inside one another
Search Code	26.11.21 - Rectangles that are completely or partially shaded
Serial Number	86048215
Filing Date	August 26, 2013
Current Basis	1A
Original	1B

Filing Basis

Published for Opposition January 20, 2015

Registration Number 4993752

Registration Date July 5, 2016

Owner (REGISTRANT) GOPRO, INC. CORPORATION DELAWARE 3000 CLEARVIEW WAY SAN MATEO CALIFORNIA 94402

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Connie L. Ellerbach

Prior Registrations 3032989

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the large words "GoPro" positioned above the smaller terms "Be a HERO." to the left of four small rectangles.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	GOPRO MOTORPLEX
Goods and Services	IC 039. US 100 105. G & S: Rental of motor racing cars. FIRST USE: 20130617. FIRST USE IN COMMERCE: 20130617
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	24.09.04 - Checkered flag; Flags, checkered 26.09.02 - Plain single line squares; Squares, plain single line 26.09.14 - Squares, three or more; Three or more squares 26.09.21 - Squares that are completely or partially shaded 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
Serial Number	86143802
Filing Date	December 14, 2013
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 11, 2014
Registration Number	4677542
Registration Date	January 27, 2015
Owner	(REGISTRANT) GOPRO, INC. CORPORATION DELAWARE 3000 CLEARVIEW WAY, BLDG E SAN MATEO CALIFORNIA 94402
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	Connie L. Ellerbach

Record

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized word "GOPRO" above the stylized word "MOTORPLEX" with a line and four rectangles underneath; to the left of the wording and the rectangles is a checkered flag box design.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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EXHIBIT B

The GoPro homepage features a large, vibrant photograph of a person's arms and hands gripping the handlebars of a motorcycle, set against a backdrop of bright blue water and sunlight filtering through the surface. In the center of the image is a GoPro HERO7 Black camera mounted on a chest harness. A large white play button icon is overlaid on the camera. Below the play button, the text "The HERO7 Black Highlight Video" is displayed in a bold, sans-serif font. Underneath that, two lines of smaller text read "25,000 submissions. One film." and "100% shot by you." At the bottom of the main image area is a blue rectangular button with the text "GET HERO7 BLACK" in white. Above the main image, a thin blue banner contains the text "Free 2-day shipping + returns." and navigation arrows. The top navigation bar includes links for "CAMERAS", "ACCESSORIES", "APPS", "GOPRO PLUS", and "SHOOT FOR AWARDS". On the right side of the top bar are icons for search, user profile, language (EN), and shopping cart.

CAMERAS ACCESSORIES APPS GOPRO PLUS SHOOT FOR AWARDS

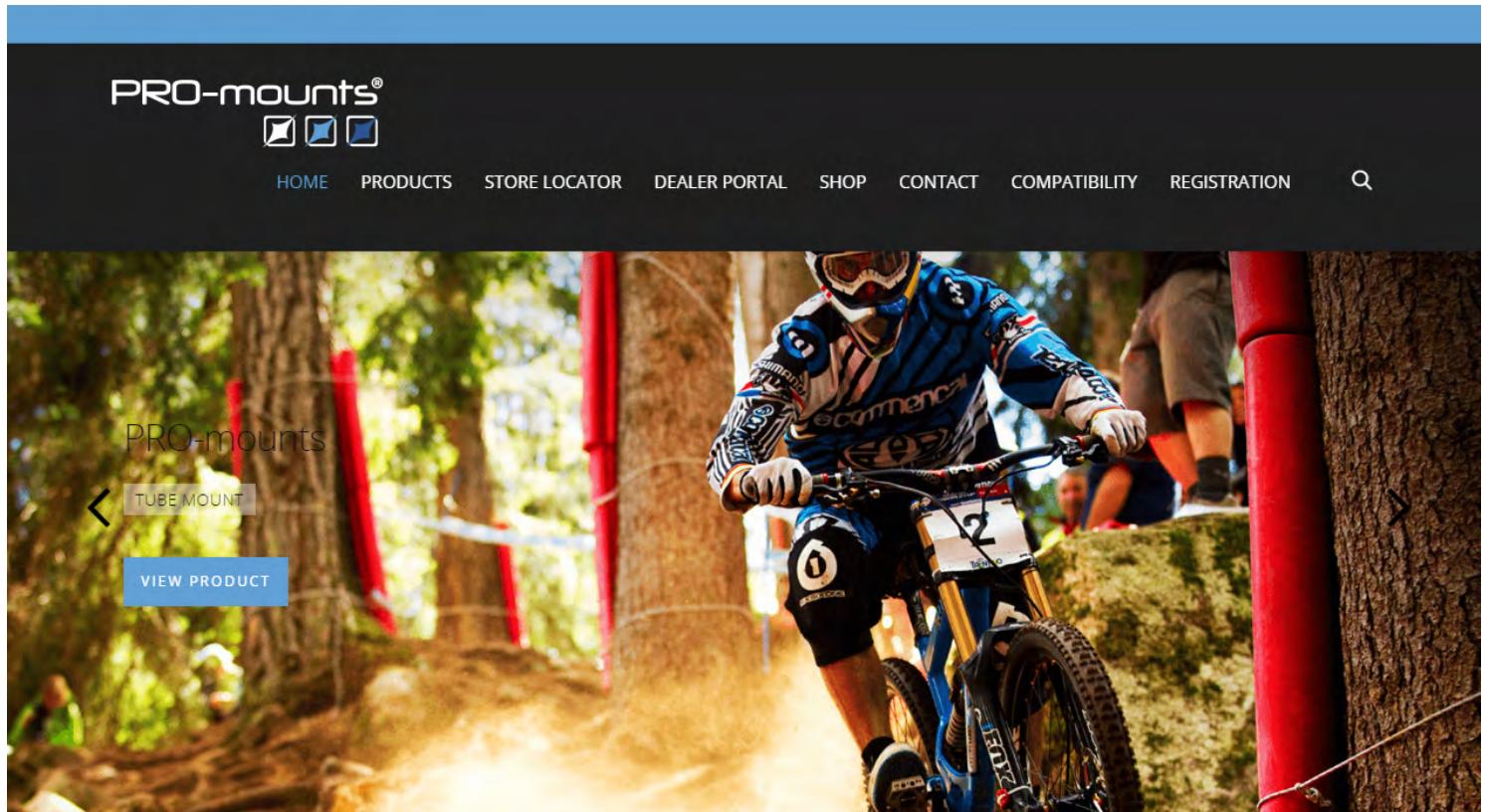
Free 2-day shipping + returns.

The HERO7 Black Highlight Video

25,000 submissions. One film.
100% shot by you.

GET HERO7 BLACK

CAMERAS ACCESSORIES APPS



Check-out our latest exclusive PRO-mounts footage shot in beautiful Cape Town, South Africa.

